

01-16-01

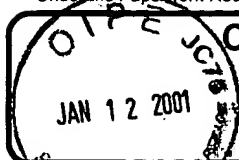
DAC PAT 1617

PTO/SB/29 (08-00)

Approved for use through 10/31/2002. OMB 0651-0032

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## CONTINUED PROSECUTION APPLICATION (CPA)

## REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

Address to:

Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231

Attorney Docket No.  
of Prior Application

IAM 0467 PA

First Named Inventor

Michael G. Hayek

Examiner Name

S. Wang

Group Art Unit

1617

Express Mail Label No.

EL659757940US

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JAN 7 2001

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),

(continued prosecution application (CPA)) of prior application number 09 / 291,227

filed on April 13, 1999, entitled Lutein-Containing Supplement and Process for Enhancing Immune Response in Animals

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
 \_\_\_\_\_
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

01/17/2001 09:23:12Z  
01 FC:131  
02 FC:102  
710.00 DP  
160.00 DP

| CLAIMS  | (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE                      | (5) CALCULATIONS |
|---|---------|------------------|------------------|-------------------------------|------------------|
| TOTAL CLAIMS<br>(37 CFR 1.16(c) or (j))   | 13      | -20* =           | 0                | x \$ 18.00 =                  | \$ -0-           |
| INDEPENDENT CLAIMS<br>(37 CFR 1.16(b) or (i))   | 5       | -3** =           | 2                | x \$ 80.00 =                  | 160.00           |
| MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))  |         |                  |                  | + \$ 270.00 =                 | -0-              |
|   |         |                  |                  | BASIC FEE<br>(37 CFR 1.16)    | 710.00           |
|   |         |                  |                  | Total of above Calculations = | 870.00           |
| Reduction by 50% for filing by small entity (Note 37 CFR 1.27).   |         |                  |                  |                               |                  |
| * Reissue claims in excess of 20 and over original patent.<br>** Reissue independent claims over original patent. |         |                  |                  |                               | TOTAL = 870.00   |

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. \_\_\_\_\_:

a. ☐ Fees required under 37 CFR 1.16.

b. ☐ Fees required under 37 CFR 1.17.

c. ☐ Fees required under 37 CFR 1.18.

8. ☒ A check in the amount of \$ 870.00 is enclosed.

9. ☐ Payment by credit card. Form PTO-2038 is attached.

10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(i) enclosed).

11. ☐ New Attorney Docket Number, if desired \_\_\_\_\_

[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)

b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

13. ☐ Other: \_\_\_\_\_

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**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

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or ☐ New correspondence address below

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15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)

Susan M. Luna

Signature

*Susan M. Luna*

Registration No. (Attorney/Agent)

38,769

Date

1/12/01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicant : Michael G. Hayek

Title : LUTEIN-CONTAINING SUPPLEMENT AND PROCESS FOR ENHANCING  
IMMUNE RESPONSE IN ANIMALS

Docket No. : IAM 0467 PA

**Box CPA**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

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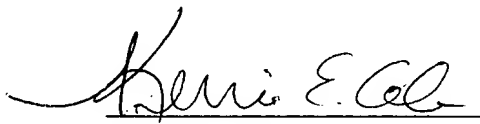
Sir:

EL659757940US)

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**Date of Deposit January 12, 2001**

**I hereby certify that this paper or fee is being deposited with the  
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service under 37 CFR 1.10 on the date indicated above and is  
addressed to the BOX CPA, Assistant Commissioner for Patents,  
Washington, D.C. 20231.**

  
Kerrie E. Cela  
Legal Secretary

amm



#13

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicant : Michael G. Hayek  
Serial No. : 09/291,227  
Filed : April 13, 1999  
Title : LUTEIN-CONTAINING SUPPLEMENT AND PROCESS FOR ENHANCING  
IMMUNE RESPONSE IN ANIMALS  
Docket : IAM 0467 PA  
Examiner : S. Wang  
Art Unit : 1617

Assistant Commissioner for  
Patents  
Washington, D.C. 20231  
**BOX CPA**

13/1  
12/10/98  
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Sir:

PRELIMINARY AMENDMENT

This preliminary amendment is being filed in connection with the CPA application filed herewith.

IN THE CLAIMS

Please amend claims 1, 9-12 and 14 as follows:

1. (Thrice amended) A process for enhancing immune response of a companion animal [comprising] consisting of a dog or cat, said process comprising the step of feeding said animal a diet containing from about 1 to about 50 mg/day of lutein for a time sufficient for said lutein to be absorbed by said animal.

9. (Thrice amended) A process for increasing the lutein concentration in the circulating blood of a companion animal [comprising] consisting of a dog or cat, said process comprising the step of feeding said animal a diet containing from about 1 to about 50 mg/day of lutein for a time sufficient for said lutein to be absorbed into the bloodstream of said animal.